



PATENT
Attorney Docket 1190

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)

WANG et al.)

Serial No.: 10/026,043)

Filed: TBD)

Art Unit: TBD

Examiner: TBD

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APR 18 2002

OFFICE OF PETITIONS

For: SYSTEM AND METHOD FOR UPPER LAYER ROAMING
AUTHENTICATION

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

DECLARATION OF MARK I. KOFFSKY, ESQ. IN SUPPORT OF PETITION

I, Mark I. Koffsky, Esq., do hereby declare:

1. I am an attorney in good standing licensed to practice in the State of New York and registered to practice before the U.S. Patent and Trademark Office ("PTO"). I am currently a Corporate Counsel for Symbol Technologies, Inc. ("Symbol"), the assignee of the above referenced application (the "'043 application"). I make this declaration upon my own personal knowledge.

2. After a diligent search within my office, I have been unable to locate a copy of the Express Mail label that I would expect to have been used in the '043 application to comply with the requirements of 37 C.F.R. § 1.10.

3. Attached hereto as Exhibit A is a true copy of the first page of the '043 application as filed with the PTO.

4. Attached hereto as Exhibit B is a true copy of a filing receipt for the '043 application mailed by the PTO on February 28, 2002.

5. Attached hereto as Exhibit C is a true copy of a request for a corrected filing receipt mailed to the PTO on or about March 15, 2002.

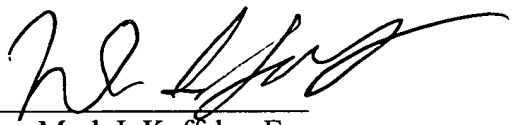
6. Attached hereto as Exhibit D is a true copy of a response to request for corrected filing receipt mailed by the PTO on March 25, 2002.

7. Attached hereto as Exhibit E is a true copy of information regarding USPS Express Mail item EL8695613555US obtained from the USPS website at <http://www.usps.gov>.

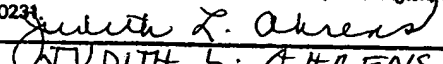
8. Attached hereto as Exhibit F is a true copy of information regarding a PTO Notice Concerning Patent Applications obtained from the PTO website at <http://www.uspto.gov>.

I declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted,

By: 
Mark I. Koffsky, Esq.
Reg. No. 41,906

Dated: April 12, 2002

"EXPRESS MAIL" Mailing Label Number EU132022858 US
Date of Deposit April 12, 2002
I hereby certify under 37 CFR 1.10 that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" with sufficient postage on the date indicated above, as is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231

JUDITH L. AHRENS



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EXHIBIT A



Client/Matter: 40116/00401
Symbol Docket No.: 1190

U.S. PATENT APPLICATION

For

System and Method for Upper Layer Roaming Authentication

Inventor(s):

Huayan A. Wang
Bruce Willins
Rich Vollkommer

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Prepared by:

FAY KAPLUN & MARCIN, LLP

100 Maiden Lane, 17th Fl.
New York, NY 10038
(212) 898-8870

EXPRESS MAIL CERTIFICATE

"EXPRESS MAIL" MAILING LABEL NUMBER EL 869 561 355 US

DATE OF DEPOSIT OCTOBER 25, 2001

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE EXPRESS MAIL POST OFFICE TO ADDRESSEE SERVICE UNDER 37 CFR 1.10 ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO ASSISTANT COMMISSIONER FOR PATENTS WASHINGTON, D.C. 20231

NAME OLEG F. KAPLUN, ESQ. REG. NO. 45559

SIGNATURE



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EXHIBIT B



UNITED STATES PATENT AND TRADEMARK OFFICE



COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/026,043	12/25/2001	2131	842	1190	3	21	4

CONFIRMATION NO. 8635

FILING RECEIPT



OC000000007549493

Mark I. Koffsky, Esq.
Symbol Technologies, Inc.
MS A-6
One Symbol Plaza
Holtsville, NY 11742-1300

Date Mailed: 02/28/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Huayan A. Wang, Residence Not Provided;
Bruce Willins, Residence Not Provided;
Rich Vollkommer, Residence Not Provided;

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted 02/27/2002

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

Title

System and method for upper layer roaming authentication

Preliminary Class

713

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**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

REQUEST FOR CORRECTED FILING RECEIPT

ATTORNEY'S DOCKET NO.
40116/00401APPLICATION NO.
10/026,043FILING DATE
October 25, 2001EXAMINER
To be assignedART UNIT
2131INVENTION TITLE
SYSTEM AND METHOD FOR UPPER
LAYER ROAMING AUTHENTICATIONINVENTOR(S)
WANG et al.Address to:
Commissioner of Patents
P.O. Box 2327
Arlington, VA 22202

Certificate of Mailing
I hereby certify that this correspondence is being
deposited with U.S. Postal Services as first class mail in
an envelope addressed to:
Commissioner of Patents
P.O. Box 2327
Arlington, VA 22202

By Leshia Ramon Date: 3/15/02

Applicants respectfully request that the Filing Receipt be corrected to indicate the Filing Date as October 25, 2001 in the above-identified patent application. A copy of the Filing Receipt with the change shown in red is enclosed herewith.

In addition, enclosed please find a copy of the Patent Application Transmittal and a Cover Sheet of the Patent Application which includes Express Mail Certificate. As indicated in the Certificate, the application was deposited with U.S. Postal Service, using Express Mail Label No. EL 869 561 355 US, on October 25, 2001.

Please issue a corrected filing receipt as requested above. Please charge any additional fees that may be required to the deposit account of Fay Kaplun & Marcin, LLP, deposit account number 50-1492.

Dated: March 15, 2002

By Oleg F. Kaplun

Oleg F. Kaplun, (Reg. No. 45,559)
Fay Kaplun & Marcin, LLP
100 Maiden Lane, 17th Floor
New York, NY 10038
(212) 898-7200 (tel)
(212) 208-6819 (fax)



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U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICEPATENT APPLICATION
TRANSMITTAL LETTERATTORNEY DOCKET NO.:
1190Commissioner for Patents
Washington D.C. 20231
Box Patent Application

EL 869561355US

Transmitted herewith for filing is the patent application of

Inventor(s): Huayan A. Wang, Bruce Willins and Rich Vollkommer

For: **SYSTEM AND METHOD FOR UPPER LAYER ROAMING
AUTHENTICATION**

Enclosed are:

- 1 title page, 10 sheets of specification, 5 sheets of claims, and 1 sheet of abstract.
- 3 sheet(s) of drawings.
- The Commissioner is hereby authorized to charge the Deposit Account of **Symbol Technologies, Inc., Deposit Account No. 19-5407** in the amount of **\$842.00** for the filing fee calculated as shown below. A copy of this transmittal letter is enclosed for Deposit Account purposes.

	NUMBER FILED	NUMBER EXTRA*	RATE (\$)	FEE (\$)
BASIC FEE				740.00
TOTAL CLAIMS	21 - 20 =	1	18.00	18.00
INDEPENDENT CLAIMS	4 - 3 =	1	84.00	84.00
MULTIPLE DEPENDENT CLAIM PRESENT			280.00	842.00
Number extra must be zero or larger			TOTAL	0.00
If applicant is a small entity under 37 C.F.R. §§ 1.9 and 1.27, then divide total fee by 2, and enter amount here.			SMALL ENTITY TOTAL	

- Return Post Card.

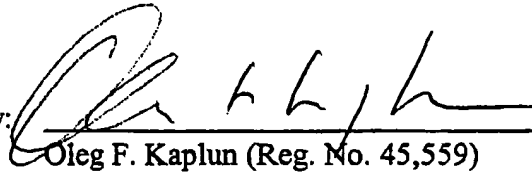
Express Mail No.: EL 869 561 355 US

Please address all communications regarding this application to:

Mark I. Koffsky, Esq.
Symbol Technologies, Inc.
One Symbol Plaza, MS A-6
Holtsville, NY 11742-1300
Phone: 631-738-5583
Fax: 631-738-4110

Dated: October 25, 2001

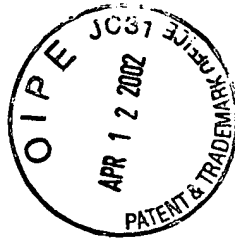
By:



Oleg F. Kaplun (Reg. No. 45,559)

FAY KAPLUN & MARCIN, LLP
100 Maiden Lane, 17th Floor
New York, NY 10038
(212) 898-8870 (phone)
(212) 208-6819 / (212) 898-8800 (facsimile)

Express Mail No.: EL 869 561 355 US



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Client/Matter: 40116/00401

Symbol Docket No.: 1190

U.S. PATENT APPLICATION

For

System and Method for Upper Layer Roaming Authentication

Inventor(s):

Huayan A. Wang
Bruce Willins
Rich Vollkommer

Prepared by:

FAY KAPLUN & MARCIN, LLP
100 Maiden Lane, 17th Fl.
New York, NY 10038
(212) 898-8870

EXPRESS MAIL CERTIFICATE

"EXPRESS MAIL" MAILING LABEL NUMBER: EL-869561355 US

DATE OF DEPOSIT: OCTOBER 25, 2001

I HEREBY CERTIFY THAT THE CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE EXPRESS MAIL POST OFFICE TO ADDRESS SERVICE UNDER 37 CFR 1.10 ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO: ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231

NAME: OLEG F. KAPLUN-ESQ. REG. NO. 45559

SIGNATURE

EXHIBIT D



UNITED STATES PATENT AND TRADEMARK OFFICE



COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/026,043	12/25/2001	Huayan A. Wang	1190

CONFIRMATION NO. 8635



OC000000007712592

Mark I. Koffsky, Esq.
Symbol Technologies, Inc.
MS A-6
One Symbol Plaza
Holtsville, NY 11742-1300

Date Mailed: 03/25/2002

RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT RECEIVED

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Application Filing Date

OFFICE OF PETITIONS

In response to your request for a corrected Filing Receipt, the Office is unable to comply with your request because:

- ☐ The correct application number appears on the Filing Receipt. Your postcard included an incorrect application number. Please update your records to reflect the application number on the enclosed Filing Receipt. See MPEP 503.
- ☒ If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, a request for a corrected Filing Receipt should be submitted along with a copy of the Express Mail label showing the "date in."
- ☒ A copy of the Express Mail label was not enclosed with your request. Please resubmit.
- ☐ The date on the Express Mail label is the date given on the Filing Receipt.
- ☐ The filing date accorded to the application is the date the application met the filing date requirements of 37 CFR 1.53(b) or (c).
- ☒ Filing date of a parent application cannot be*changed by this request. A request for corrected Filing Receipt must be directed to such parent application.
- ☐ Applications submitted under 37 CFR 1.8 are accorded a filing date as of the date the application is received in the U.S. Patent and Trademark Office.
- ☐ The filing date on your return postcard is the same as the date on your Filing Receipt.

- ☐ A petition under 37 CFR 1.10 or 1.53 is needed to correct the filing date. The petition should be directed to the attention of the Office of Petitions.

Any corrections that may need to be done to your Filing Receipt should be directed to:

Assistant Commissioner for Patents
Office of Initial Patent Examination
Customer Service Center
Washington, DC 20231

A copy of this notice MUST be returned with the reply.

A. GIZAW

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY



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EXHIBIT E



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EXHIBIT F



Patent Applications submitted to the United States Patent and
Trademark Office

between September 11, 2001 and December 1, 2001
via the United States Postal Service

Office of Patent Legal Administration << **Pre-OG Notices** << *Notice Concerning Patent Applications submitted to USPTO between 9/11/01 and 12/01/01 via USPS*

The fiscal year 2002 patent application filing rate is currently less than anticipated by the United States Patent and Trademark Office (USPTO). The USPTO suspects that this decrease may be due to postal service delays caused by increased security procedures related to the discovery of anthrax in a Washington DC mail facility.

Any patent applicant who submitted a patent application to the USPTO between September 11, 2001 and December 1, 2001 via the United States Postal Service (USPS), and who has not received either a patent application filing receipt or a stamped postcard return receipt from the USPTO (MPEP 503), is advised to promptly take the following course of action:

Express Mail: If the patent application was originally submitted using the "Express Mail" mailing procedures set forth in 37 CFR 1.10, applicant should first check with the USPS for confirmation of delivery to the USPTO. Status may be checked using the track/confirm feature on the USPS's Web site at <http://www.usps.com/shipping/epstrac.htm>. If the USPS does not confirm delivery of the patent application to the USPTO, applicant should promptly file a petition under 37 CFR 1.10(e) (as discussed below).

If the USPS confirms delivery of the patent application to the USPTO, the Office of Initial Patent Examination (OIPE) customer service center may be able to provide the application number and filing date of the application. The OIPE customer service center is frequently able to identify the patent application number from the Express Mail number or from payment information. Any request for the application number and filing date of an application should be submitted by facsimile to 703-308-7751. The facsimile should include the Express Mail mailing label or the Express Mail mailing label number and date mailed, a copy of original transmittal letter, the docket number, name of the first inventor, and contact information. In addition, the facsimile should include the following payment information: (1) if payment was by check, include a copy of the front and back of the check or the bank routing number, account number, check number, and payment amount; (2) if payment was by authorization to charge a deposit account, include the deposit account number and amount of payment; or (3) if payment was by authorization to charge a credit card, include the credit card number and amount of payment. The OIPE customer service center will conduct a search of its computer records for the application and reply within three business days with either the application number and filing date found in its computer records or a response that the application number was not found. Applicant may contact the OIPE customer service center by telephone at 703-308-1202.

If the patent application was originally submitted using the "Express Mail" mailing procedures set forth in 37 CFR 1.10 and the OIPE customer service center is unable to locate the application, applicant should promptly file a petition under 37 CFR 1.10(e) (no fee required) including:

- (1) a copy of the "Express Mail" mailing label showing the "date-in" (or copy of any other official notation by the USPS relied upon to show the date of deposit);
- (2) a copy of the originally deposited application papers showing the number of the "Express Mail" mailing label as placed on the originally deposited papers; and
- (3) a statement that the copy of the "Express Mail" mailing label and copy of the originally deposited application papers are true copies of the "Express Mail" mailing label and originally

deposited application papers.

If the petition complies with the requirements of 37 CFR 1.10(e) and the application is otherwise entitled to a filing date, the USPTO will accord the application a filing date as of the date the patent application was originally deposited with the USPS as shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation.

Other than Express Mail: If the patent application was not originally submitted using the "Express Mail" mailing procedures set forth in 37 CFR 1.10, the OIPE customer service center may be still able to provide the application number and filing date of the application. Any request for the application number and filing date of an application should be submitted by facsimile at 703-308-7751. The facsimile should include a copy of original transmittal letter, the docket number, name of the first inventor, contact information and the following payment information: (1) if payment was by check, include a copy of the front and back of the check or the bank routing number, account payment information; (2) if payment was by authorization to charge a deposit account, include the deposit account number and amount of payment; or (3) if payment was by authorization to charge a credit card, include the credit card number and amount of payment. The OIPE customer service center will conduct a search of its computer records for the application and reply within three business days with either the application number and filing date found in its computer records or a response that the application number was not found. Applicant may contact the OIPE customer service center by telephone at 703-308-1202.

If the OIPE customer service center is unable to locate the application, applicant should promptly file a copy of the originally deposited application papers. The application will be accorded a filing date as of the date the copy is received in the USPTO or the copy is deposited with the USPS in accordance with the "Express Mail" mailing procedures set forth in 37 CFR 1.10. Any applicant dissatisfied with that filing date may also file a petition under 37 CFR 1.182 or 1.183 (as appropriate) with the \$130.00 petition fee accompanied by the evidence and argument(s) that the applicant wants the USPTO to consider in determining whether the application is entitled to an earlier filing date. This should not be taken as an indication that any such petition will necessarily be granted. See MPEP 513.

Applicants should mail the copy of the application and any petition to:

Mail Stop Filing Date
U.S. Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202

Alternatively, applicant may hand-carry the copy of the application and any petition to the Customer Service Window located in Room 1B03 of Crystal Plaza Building 2, Arlington, Virginia, 22202.

Inquiries regarding this notice should be directed to Senior Legal Advisor Eugenia A. Jones at 703-306-5586.

Date: 03/11/02

Signed: /s/
Stephen G. Kunin
Deputy Commissioner
for Patent Examination Policy

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Last Modified: 03/14/2002 14:32:02